

EXHIBIT 50

DOE
December
2021
Presentation

(Depo. Ex. 3)

EXHIBIT 3

D. Fenton

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Reporter: Sharon Saalfeld
RDR, CRR

OVERVIEW OF THE DEPARTMENT OF EDUCATION'S EDUCATOR MISCONDUCT PRACTICES & CONDUCTING EFFECTIVE INVESTIGATIONS

Diana E. Fenton, Esq.
Chief, Governance Unit
Department of Education

December 2021



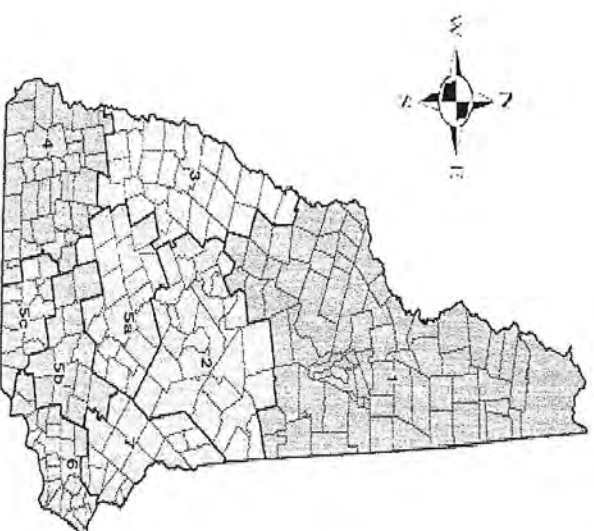
Code of Conduct

* The reason behind the CoC

Local Control Does not solve a State
Wide problem.

Dealing with educator misconduct issues in the realm of
employment only does not solve the entire issue.

Child safety is not a zip code issue!



Code of Conduct

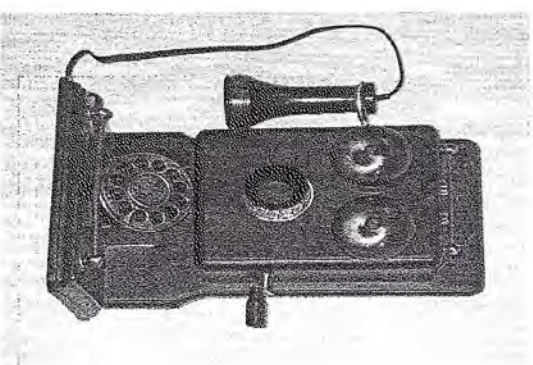
- District jurisdiction vs. State jurisdiction
- Now issues involving educator misconduct have a two step process/analysis:
 - 1) Dealt with at the district (employment)
 - 2) Lateral pass to DOE for possible action on the credential

DOE involvement breaks the cycle of an educator moving to another district and possibly harming another child

Ed 511 sets out the process for DOE to follow

When Should I call DOE?

- Anytime there is a suspected CoC violation
- Anytime an educator is placed out on leave**
(*when/why should an educator be placed on leave*)
- Anytime a superintendent has a question of whether the activity in question rises to a level of the CoC



RULE OF THUMB

- IF THE ISSUE DIRECTLY AFFECTS CHILD SAFETY THEN IT IS NOT JUST AN EMPLOYMENT ISSUE.

DOE MUST BE NOTIFIED

When Should I call the DOE?

- Best Practice is to call DOE as soon as possible
- DOE and District can then determine which agency can lead the investigation/process

Who will lead—the district or DOE?

Often district will lead—district lead investigation and DOE will await the report/result of the district investigation

Typically, DOE will lead on older (aka “cold”) cases

Off Duty Conduct

- What if the allegation is “off-duty” conduct

- Analysis:

DOE will look to see if there is a nexus to:

- 1) The educator’s ability to be effective in the classroom and
- 2) The educator’s ability to be safe around children

Who Do I Call?

- All reports of Educator Misconduct are made to:

Richard Farrell contact info:

(603) 271-8372 (work)

(603) 231-0521 (cell)

Richard.J.Farrell@doe.nh.gov

Diana Fenton contact info:

(603) 325-2198

Diana.Fenton@doe.nh.gov

So what happens next?

- DOE will do an initial screening—is this employment or credentialing

“Investigation”

- When does DOE place an educator under formal investigation?
- Credential holder is notified in writing via certified mail that an investigation has been opened.
- A copy of the letter is sent to the superintendent
- A copy of the letter is sent to the Union
- Credential is still valid during a pending investigation

Immediate Suspension

- If an educator is arrested for a Section V violation, it must be reported to DOE
- Immediate suspension with a right to a hearing within 10 days

INVESTIGATIONS

- How does the DOE Investigation help the district?

DOE Action

- DOE will review the district's report
- DOE might do additional investigation (if necessary)
- DOE communication with the district is **KEY!!**

Credential Sanction

- 4 forms of action/3 forms of discipline
- Close out Case
- Revocation
- Suspension
- Reprimand

WAIT!!

What if DOE takes action which is contrary to what the district did?

Close Out

- Thank you letter
- Close out letter

HB 1240 (2019-2020 Leg Session)

- HB 1240 became law Jan 1, 2021
- Amends RSA 632-A:2 (Aggravated Felonious Sexual Assault) and RSA 632-A:3 (Felonious Sexual Assault)
- Prohibits “an employee, contractor, or volunteer at a primary or secondary educational institution” from having a sexual relationship with a student.
- Prohibition continues up to 10 months after the student’s graduation or departure from school.

CRT/HB2 Sec 297 and 298

- Any allegation of the violation of HB 2 is adjudicated by the HRC/complaint with AG's office/ or a civil claim in superior court
- Department DOES NOT adjudicate these matters
- So why the website?

Investigations Tips

Things to be Aware of

- Always best to farm investigations out to third party
- Be aware of conflicts—can you do this investigation and be fair?
- Who to interview—even “minor” players can be relevant
- Important to build a foundation—do not assume a level of familiarity
- Two types of questions to ask
 - 1) Open-ended questions
 - 2) Direct questions

DOE Innovations

- January 1, 2022

DOE will start running the criminal history on all first-time teacher applicants

This does not alleviate District from running check upon employment

DOE will also begin checking a new applicant's name against the Central Registry at DCYF and MA DCF for findings of abuse.

Questions, Comments, Concerns??

Diana.fenton@doe.nh.gov

325-2198

